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10/577,052

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Roger Arthur Mugford

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EXAMINER

BROOKMAN, STEPHEN A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/577,052 | Applicant(s) MUGFORD, ROGER ARTHUR | |
| | Examiner Stephen Brookman | Art Unit 3644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/2006 and 7/11/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species II in the reply filed on April 27, 2009 is acknowledged.
2. Claim 9 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 27, 2009.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "60" from page 6, line 18 of the specification.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "attachment for a leading strap and the stabilizing link are connected so as to be able to move together along the chest strap" as in Claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The attachment and link are not shown connected.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: the specification is not distinguished by separate sections as suggested by 37 CFR 1.77(b).

Appropriate correction is required.

7. The use of the trademarks HALTI, SOFT TOUCH CONCEPTS, has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitations "the second attachment for a leading strap" and "the back strap". There is insufficient antecedent basis for these limitations in the claim. Further, it is unclear what is meant by "constrained against free movement along the back strap," as the only relevant strap of Claim 1 is slidably attached, therefore Claim 16 is rendered indefinite.

Regarding Claim 18, the language "or each attachment" is confusing, as Claim 1 only provides one attachment. Further, "the method" lacks antecedent basis.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-8, 10-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lady (U.S. Patent Application Publication 2004/0000273).

Regarding Claims 1-8, 10-16, and 18 and primarily in reference to Figure 4, Lady teaches a harness for a quadruped animal (dog) including:

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- A chest strap (11) which in use of the harness lies across the chest of the animal in front of the forelegs (Figure 4)
- A trunk loop (12/13) to which each end of the chest strap is attached and which in use of the harness passes around the trunk of the animal behind the forelegs
- An attachment (15) for a leading strap (20), the attachment being slidably mounted on the chest strap for movement therealong (i.e. as in Figures 1 and 2, for example, the ring can spin/rotate and therefore in rotation moves along the chest strap surface, it is also connected to an end of 11 that is adjustable and therefore can move in relation to the other side of 11). The examiner also indicates lines 5-7 of paragraph 24 which teaches another alternative construction of the attachment (15) to read on Claim 1.
- Regarding Claim 2, the attachment is a ring through which the chest strap passes (by wrapping around the edge of the ring, the strap passes through the ring)
- Regarding Claim 3, there is a stabilizing link (21), one end of which is mounted on the chest strap (via the attachment ring 15) and the other end of which is adapted to be (i.e. capable of) attached in use of the harness to a collar (23) around the neck of the animal
- Regarding Claim 4, the stabilizing link is slidably mounted on the chest strap for movement therealong (as it is mounted on the ring 15, it can rotate around the ring and move at least somewhat along the chest strap)

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- Regarding Claim 5, the attachment (15) and the stabilizing link (21) are connected to as to be able to move together (simultaneously) along the chest strap (they can rotate around/along a portion of the chest strap simultaneously)
- Regarding Claim 6, the stabilizing link is attached to a cinch (the buckle seen between reference characters 11 and 15 in Figure 4, the attachment being through strap 11), through which a loop of the chest strap passes (the chest strap is curved through the cinch buckle)
- Regarding Claim 7, the attachment for the leading strap (15) is mounted on the loop of the chest strap whereby/and the loop of the chest strap retains the cinch
- Regarding Claim 8, the trunk loop comprises a back strap (12) which in use of the harness lies across the back of the animal affixed to a lower strap (13) which in use of the harness passes under the animal behind the forelegs
- Regarding Claim 10, a second attachment for a leading strap is provided on the back strap (the topmost item 18 on 12 in Figure 1 is capable of being used as an attachment for a leading strap)
- Regarding Claim 11, the ends of the chest strap are pivotally attached to the trunk loop where the back strap meets the lower strap (11 is pivotally attached using the ring seen between 12 and 13 on the trunk loop)

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- Regarding Claim 12, the trunk loop includes a clasp (19, seen in Figure 1) by which it can be opened to allow the harness to be placed on or removed from the animal
- Regarding Claim 13, the length of at least one strap is adjustable (by clips and buckles)
- Regarding Claim 14, the harness is for a dog
- Regarding Claim 15, the attachment on the chest strap for the leading strap is constrained against free movement along the chest strap (it can't move left and right along the chest strap or be removed in a forward or backward direction from the chest strap)
- Regarding Claim 16, the second attachment for the leading strap is constrained against free movement along the back strap (i.e. it cannot move absolutely freely up and down or left to right along the back strap, at least due to friction and the fact that the strap passes through and holds the attachment)

Regarding Claim 18, the apparatus taught by Lady anticipates the method of controlling a dog as it comprises placing a harness according to Claim 1 on the dog and attaching a leading strap to the attachment (Figure 4 shows a leash).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lady (U.S. Patent Application Publication 2004/0000273).

Lady does not expressly disclose the chest strap being made of polyester webbing. However, the examiner takes Official Notice that polyester webbing is old and well known in the leash and harness industry as a strong, durable, and weather resistant material and therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use polyester webbing in order to construct the invention of Lady with a durable, strong, and long-lasting material.

14. Claims 1-8 and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arakawa (U.S. Patent 5,247,905) in view of Hammon et al (U.S. Design Patent 313,677) and Huff (U.S. Patent 1,508,601).

Regarding Claims 1 and 2, Arakawa teaches a harness for a quadruped animal/dog including (referencing mainly Figure 8):

- A chest strap across the chest of the animal in front of the forelegs (2)
- A trunk loop to which each end of the chest strap is attached and it passes around the trunk of the animal behind the forelegs (generally indicated by 4)

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Arakawa teaches an attachment (2b) which is capable of being used for a leading strap and is slidably mounted on the chest strap, however, if it is held that this is not an attachment capable of attaching another strap (the examiner notes that it is fully capable of hosting an attachment to a leash), Hammon et al teach a chest strap having an attachment capable of being used for a leading strap. It would have been obvious to one having ordinary skill in the art at the time of the invention to use the attachment of Hammon et al in the invention of Arakawa in order to provide an additional animal control attachment location. It would further have been obvious to mount this attachment slidably so that it can be moved or adjusted in order to provide adjustability for locating the pulling motion.

Regarding Claim 2, the attachment of Arakawa is a ring through which the chest strap passes, and the attachment of Hammon et al is seen as a ring which is held by a part of the chest strap, thereby having part of the chest strap pass through the ring.

Regarding Claims 3 and 4, neither Arakawa nor Hammon et al teach a stabilizing link. However, a link between a chest device and a collar are old and well known within the art, as taught by Huff. Huff teaches a stabilizing link (7) that controls the collar (1) with respect to a chest strap (4). This additional strap is advantageous in providing a more stable and distributed load against the resisting forces of the animal and therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to include a stabilizing

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link from the chest straps of either Arakawa or Hammon to a collar in order to provide more support and distributed loading for the safety and control of the animal. It would be slidably mounted on the chest strap as Huff teaches this slidable mounting as seen in Figure 4.

Regarding Claim 5, it would have further been obvious to connect the attachment and the link to move together in order to prevent multiple pieces from shifting along the chest strap and to increase animal safety. It would have been obvious to include the ring of Hammon et al on the chest strap of Huff (4) and therefore have them joined to move together.

Regarding Claims 6 and 7, the stabilizing link of Huff would be attached to a cinch through which a loop of the chest strap passes (2b in Figure 8 of Arakawa is a cinch through which a loop of the chest strap passes). Regarding Claim 7, the attachment would be mounted on the chest strap (4 of Huff, as taught above in Claim 5), either directly or indirectly, and the cinch is retained on the chest strap (Figure 8 shows 2b retained on the strap).

Regarding Claim 8, the trunk loop comprises a back strap (4) which in use of the harness lies across the back of the animal affixed to a lower strap (3d/3c) which in use of the harness passes under the animal behind the forelegs.

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Regarding Claim 10, a second attachment is provided on the back strap (6 of Arakawa).

Regarding Claim 11, the ends of the chest strap of Arakawa are pivotably attached to the trunk loop where (i.e. near/ in the vicinity of) the back strap meets the lower strap (figure 8 of Arakawa).

Regarding Claim 12, the trunk loop includes a clasp for allowing placement on or removal of the harness from the animal (5 of Arakawa).

Regarding Claim 13, the lengths of the straps of nearly all harnesses used in this rejection are adjustable (at least 2 in Figure 8 of Arakawa).

Regarding Claim 14, the harness of each piece of art used in the above rejections is for a dog.

Regarding Claim 15, the attachment on the chest strap for the leading strap is constrained against free movement along the chest strap (i.e. if attached as in Arakawa, the strap cannot be removed freely from the chest strap and the attachment of Hammon cannot be moved in a forward or backward direction from the chest strap).

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Regarding Claim 16, the second attachment for the leading strap of Arakawa (6) is constrained against free movement along the back strap (i.e. it cannot be moved entirely freely in a direction perpendicular to the length of the strap as it is constrained by the strap).

Regarding Claim 17, none of the prior references expressly discloses the chest strap being made of polyester webbing. However, the examiner takes Official Notice that polyester webbing is old and well known in the leash and harness industry as a strong, durable, and weather resistant material and therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use polyester webbing in order to construct the invention of Arakawa with a durable, strong, and long-lasting material.

Regarding Claim 18, the apparatus taught by Arakawa in view of Hammon et al renders obvious the method of controlling a dog as it comprises placing a harness according to Claim 1 on the dog and it would have been obvious to one having ordinary skill in the art at the time of the invention to use the leading strap attachment to attach a leading strap for enhanced control of the dog.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Brookman whose telephone number is (571)

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270-5513. The examiner can normally be reached on Monday through Thursday 10:00 AM EST to 4:00 PM EST, away alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. B./
Examiner, Art Unit 3644

/Michael J. Carone/
Supervisory Patent Examiner,
Art Unit 3641